

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CHARLES V. RYAN IV, on behalf of himself)	
and on behalf of others similarly situated,)	
Plaintiffs)	
)	Civil Action No. 05-30017-MAP
v.)	
)	
ROBERT J. GARVEY, and PATRICK J.)	
CAHILLANE in their individual capacities,)	
Defendants)	
_____)	

PLAINTIFF'S ASSENTED TO MOTION TO EXTEND TIME
FOR FILING MOTION FOR CLASS CERTIFICATION

Plaintiff moves, pursuant to Fed.R.Civ.P. Rule 6(b), for an enlargement of time to file his motion for class certification in the above matter up to and including February 24, 2006 with any opposition to be filed by March 20, 2006 and to move all other dates in this case forward by two months. An extension of time is necessary because discovery relative to class certification from the defendants have been delayed. As grounds for this motion, plaintiff states that there is good cause to extend the time for the following reasons:

1. Plaintiff filed his complaint on January 18, 2005.
2. On June 9, 2005, this Court held a scheduling conference.
3. On June 24, 2005, plaintiff served a set of interrogatories and a request for production of documents on the defendants.

4. The defendant answered the set of interrogatories on October 19, 2005 and produced documents in response to the set of requests on October 24, 2005, including booking information for selected individuals whom the defendants believed fit the class definition.

5. On October 24, 2005, plaintiff's counsel requested that the defendants produce the booking information in electronic form usable by the plaintiff as well as an explanation of the methodology used to determine that these selected individuals fit the class definition.

6. On November 2, 2005, the defendants produced booking information in electronic form usable by the plaintiff. However, the data was incomplete and the defendants could not explain how the individuals identified the selected individuals as potential class members.

7. On November 21, 2005, plaintiff's counsel requested that the defendants produce a complete set of data of all bookings from January 18, 2002 when the class period starts until November 8, 2002 when the jail stopped its practice of conducting routine strip searches of all persons being admitted to the jail.

8. On December 7, 2005, the defendants produced booking data in electronic form for "all pre-trial" inmates with booking dates from January 18, 2002 to November 8, 2002.

9. The motion for class certification in this case is due on December 9, 2005. The plaintiff has not had the opportunity to analyze the data produced by the defendants on December 7 to determine the size and composition of the class. Plaintiff may need to take depositions in order to understand the jail's booking data. Plaintiff may also need to hire a computer database expert to analyze the data.

10. The defendants assent to this motion.

WHEREFORE, plaintiff moves this Court to extend the time to file his motion for class certification in the above matter up to and including February 24, 2006 with any opposition to be filed by the defendants by March 20, 2006 and to move all other dates in this case forward by two months.

RESPECTFULLY SUBMITTED,
For the plaintiffs,

/s/ Myong J. Joun

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